

## **EXHIBIT E**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MONTGOMERY COUNTY,  
PENNSYLVANIA, RECORDER OF DEEDS,  
by and through NANCY J. BECKER, in her  
official capacity as the Recorder of Deeds of  
Montgomery County, Pennsylvania, on its own  
behalf and on behalf of all others similarly  
situated,

Plaintiff,

vs.

MERSCORP, INC., and MORTGAGE  
ELECTRONIC REGISTRATION SYSTEMS,  
INC.,

Defendants.

**CIVIL ACTION**

**NO. 11-6968**

**DECLARATION OF JOAN T. DECKER**

I, Joan T. Decker, declare as follows:

1. I am the Commissioner of the Philadelphia Department of Records. In this capacity I am responsible for overseeing the operations of the Philadelphia County Recorder of Deeds, which is a member of the proposed class of plaintiffs in this action. I have held this position since 1996.
2. I am making this Declaration at the request of counsel for Plaintiff and the proposed class in the above-referenced action in support of their opposition to Defendants' Motion for Summary Judgment and Plaintiff's Cross-Motion for Summary Judgment.
3. Attached as Exhibit A is a summary of statewide data provided to my office in June 2012 by the Pennsylvania Department of Revenue showing, by county and totals, the number of deeds, mortgages and other writs recorded in calendar year 2011 as well as the fees collected for such recording.

4. Attached as Exhibit B is a summary prepared from data maintained by the Philadelphia Department of Records. The summary shows, for each year from 2000 through December 19, 2012, the number of mortgages, assignments, releases and satisfactions recorded in the City of Philadelphia, both where MERS was named on the mortgage and where MERS was not named as mortgagee. Exhibit B also shows the total fees collected for each such transaction.

5. The public has an important interest in having access to a permanent repository of mortgages and assignments that allows members of the public to examine copies of the actual documents, an interest that is advanced when mortgages and assignments are recorded. Among other things, this information allows the public to determine the accuracy of the documents and to conduct research.

I declare under penalty of perjury that the foregoing is true and correct

Dated: 10/29, 2013

Joan T. Decker  
Joan T. Decker

## **EXHIBIT A**

**FAX**

<b>TO</b>	Dale Lesperance	<b>FROM</b>	Raquel Lyter
<b>FAX</b>	783-6129	<b>PAGES</b>	3
<b>PHONE</b>		<b>DATE</b>	6/11/12
<b>RE</b>	ROD collections report	<b>CC</b>	

Message:

- ☐ Urgent
- ☐ For Review
- ☐ Please Comment
- ☐ Please Reply
- ☒ As Requested

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PENNSYLVANIA DEPARTMENT OF REVENUE  
BUREAU OF INDIVIDUAL TAXES  
RECORDER OF DEEDS COLLECTIONS

6/11/2012

January 2011 December 2011

County Name	Deeds	Mortgages	Other Writs	Total Instrument	Notary / City Officer Commissions	Net Writ Tax Collections	JCS / ATJ CJEJA/JCPS	JCS / ATJ	Prior Bal Due	Audit Bal Due	Amount Due	Amount Paid	Bal Due
Adams	2,280	4,273	7,403	13,956	129	8,020	0.00	284,749.50	0.00	0.00	292,769.47	292,769.44	0.03
Allegheny	33,293	43,983	69,825	147,101	2,245	93,120	0.00	3,299,400.00	0.00	0.00	3,392,520.49	3,392,520.45	0.04
Armstrong	1,785	2,003	5,120	8,908	113	5,416	0.00	157,732.00	0.00	0.00	163,148.48	163,148.44	0.04
Beaver	4,195	5,964	14,236	24,395	266	14,412	0.00	419,898.00	0.00	0.00	434,309.77	434,309.73	0.04
Bedford	1,375	1,945	3,856	7,176	70	4,159	0.00	150,470.50	0.00	0.00	154,629.84	154,629.84	0.00
Berks	7,298	14,683	26,397	48,378	580	29,089	0.00	1,078,908.50	0.00	0.00	1,107,997.83	1,107,997.79	0.04
Blair	3,053	4,602	8,231	15,886	236	9,994	0.00	323,783.00	0.00	0.00	333,776.90	333,776.90	0.00
Bradford	2,329	2,372	21,686	26,387	145	14,204	0.00	254,505.00	0.00	0.00	268,709.21	268,709.14	0.07
Bucks	12,230	72,489	3,864	88,583	1,130	53,924	0.00	1,973,718.00	0.00	0.00	2,027,641.77	2,027,641.73	0.04
Butler	5,690	8,669	16,926	31,285	360	18,665	0.00	617,392.00	0.00	0.00	636,057.23	636,057.24	-0.01
Cambria	4,727	4,939	7,838	17,504	247	10,885	0.00	364,508.50	0.00	0.00	375,393.84	375,393.82	0.02
Cameron	244	141	335	720	3	378	0.00	16,144.50	0.00	0.00	16,522.79	16,522.78	0.01
Carbon	1,997	2,617	5,029	9,643	82	5,472	0.00	207,975.00	0.00	0.00	213,447.26	213,447.23	0.03
Centre	3,109	5,927	10,383	19,419	245	11,795	0.00	408,923.50	0.00	0.00	420,718.22	420,718.18	0.04
Chester	9,470	26,384	42,989	78,843	870	46,678	0.00	1,669,040.50	0.00	0.00	1,715,718.34	1,715,718.33	0.01
Clarion	1,164	1,116	3,446	5,726	64	3,398	0.00	93,577.00	0.00	0.00	96,974.90	96,974.88	0.02
Clearfield	3,086	2,517	6,021	11,624	156	7,151	0.00	228,655.00	0.00	0.00	235,805.84	235,805.81	0.03
Clinton	1,011	1,406	2,553	4,970	49	2,886	0.00	101,684.50	6.78	0.00	104,563.47	104,570.21	-6.74
Columbia	1,558	2,462	4,932	8,952	76	5,079	0.00	165,393.00	0.00	0.00	170,471.91	170,471.88	0.03
Crawford	2,593	2,760	5,840	11,193	144	6,825	0.00	216,035.50	0.00	0.00	222,860.91	222,860.87	0.04
Cumberland	5,074	12,042	19,146	36,262	449	21,942	0.00	764,361.00	0.00	0.00	786,440.32	786,440.29	0.03
Dauphin	5,957	11,072	17,868	34,897	543	22,192	0.00	759,026.50	0.00	0.00	781,218.65	781,218.67	-0.02
Delaware	10,175	20,695	35,467	66,337	803	39,963	0.00	1,418,483.50	0.00	0.00	1,458,446.05	1,458,446.03	0.02
Elk	963	1,055	2,407	4,425	46	2,592	0.00	89,088.50	0.00	7.00	91,673.80	91,673.78	0.02
Erie	5,690	9,379	16,530	31,599	432	19,516	0.00	657,342.00	0.00	0.00	676,857.91	676,857.87	0.04
Fayette	3,430	3,573	8,249	15,252	207	9,405	0.00	298,708.50	0.99	0.99	308,114.61	308,113.58	1.03
Forest	571	151	368	1,090	5	577	0.00	22,184.00	0.00	0.00	22,761.16	22,761.13	0.03
Franklin	3,417	5,504	9,181	18,102	215	10,865	0.00	392,685.00	0.00	0.00	403,549.97	403,549.95	0.02

PENNSYLVANIA DEPARTMENT OF REVENUE  
BUREAU OF INDIVIDUAL TAXES  
RECORDER OF DEEDS COLLECTIONS

6/11/2012

January 2011 December 2011

County Name	Deeds	Mortgages	Other Writs	Total Instrument	Notary / City Officer	Net Writ Tax Collections	JCS / ATJ	JCS / ATJ	Prior Bal Due	Audit Bal Due	Amount Due	Amount Paid	Bal Due
Fulton	417	504	1,085	2,006	27	1,235	0.00	38,681.00	0.00	0.00	39,915.81	39,915.78	0.03
Greene	1,379	1,017	4,864	7,260	67	4,171	0.00	109,721.50	0.00	0.00	113,892.52	113,892.47	0.05
Huntingdon	1,385	2,100	3,907	7,392	47	4,041	0.00	148,849.00	0.00	0.00	152,890.01	152,890.00	0.01
Indiana	2,033	2,503	5,985	10,521	142	6,480	0.00	192,911.50	0.00	0.00	199,391.60	199,391.56	0.04
Jefferson	1,801	1,424	2,988	6,213	96	3,945	0.00	141,094.00	0.00	0.00	145,038.50	145,038.48	0.02
Junata	582	1,059	1,576	3,217	28	1,832	0.00	70,523.50	0.00	0.00	72,355.36	72,355.31	0.05
Lackawanna	4,809	6,968	13,933	25,710	367	16,029	0.00	489,176.00	2,586.18	0.00	502,619.05	505,205.73	-2,586.68
Lancaster	9,878	21,355	34,476	65,709	779	39,425	0.00	1,396,417.00	0.00	0.00	1,435,842.16	1,435,842.16	0.00
Lawrence	2,024	2,974	7,533	12,531	156	7,591	0.00	231,874.50	0.00	0.00	239,465.22	239,465.26	-0.04
Lebanon	2,648	5,631	8,580	16,859	152	9,651	0.00	365,754.00	0.00	0.00	375,405.03	375,405.00	0.03
Lehigh	6,502	12,435	21,723	40,660	549	25,045	0.00	853,590.50	0.00	0.00	878,635.90	878,635.87	0.03
Luzerne	9,002	9,682	25,825	44,509	439	25,845	0.00	887,971.00	0.00	0.00	913,939.36	913,939.32	0.04
Lycoming	2,998	4,864	10,705	18,567	186	10,809	0.00	343,335.00	0.00	0.00	354,144.20	354,144.17	0.03
McKean	1,380	1,491	2,870	5,741	58	3,347	0.00	117,083.00	0.00	0.00	120,430.00	120,429.95	0.05
Mercer	2,955	4,341	6,467	13,763	205	8,664	0.00	292,316.50	1,392.90	0.00	299,587.15	300,546.13	-958.98
Mifflin	1,138	1,640	2,884	5,662	56	3,289	0.00	119,309.50	0.00	0.00	122,598.78	122,598.75	0.03
Monroe	6,300	5,054	11,148	22,502	271	13,542	0.00	474,310.50	0.00	0.00	487,852.65	487,852.64	0.01
Montgomery	17,371	48,510	48,583	114,464	1,834	73,305	0.00	2,568,503.00	0.00	0.00	2,641,807.84	2,641,807.83	0.01
Montour	376	776	1,225	2,377	39	1,531	0.00	49,796.50	0.00	0.00	51,327.66	51,327.62	0.04
Northampton	5,467	11,127	19,640	36,234	391	21,366	0.00	754,279.50	0.10	0.00	775,645.58	775,645.66	-0.08
Northumberland	2,424	3,138	4,839	10,401	112	6,131	0.00	224,143.00	0.00	0.00	230,273.90	230,273.84	0.06
Perry	1,204	2,407	4,027	7,638	47	4,160	0.00	164,335.50	0.00	0.00	168,495.82	168,495.81	0.01
Philadelphia	35,006	36,937	56,991	128,934	2,176	83,640	0.00	2,723,368.00	0.00	0.00	2,807,008.19	2,807,008.19	0.00
Pike	3,297	2,363	4,751	10,411	62	5,651	0.00	240,546.00	0.00	0.00	246,196.74	246,196.71	0.03
Potter	779	795	2,059	3,633	24	1,995	0.00	57,857.00	0.00	0.00	59,851.80	59,851.77	0.03
Schuylkill	4,424	4,517	8,205	17,146	174	10,004	0.00	358,304.50	0.00	0.00	368,308.10	368,308.09	0.01
Snyder	925	1,593	2,088	4,606	40	2,622	0.00	102,906.50	0.00	0.00	105,528.40	105,528.37	0.03
Somerset	2,350	3,100	5,665	11,115	125	6,603	0.00	222,286.50	0.00	0.00	228,889.76	228,889.73	0.03

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PENNSYLVANIA DEPARTMENT OF REVENUE  
BUREAU OF INDIVIDUAL TAXES  
RECORDER OF DEEDS COLLECTIONS

January 2011 December 2011

County Name	Deeds	Mortgages	Other Writs	Total Instrument	Notary / City Officer Commissions	Net Writ Tax Collections	JCS / ATI	JCS / ATI	CJE/JCS	Prior Bal Due	Audit Bal Due	Amount Due	Amount Paid	Bal Due
Sullivan	475	348	4,903	5,726	14	2,913	0.00	47,587.50	0.00	0.00	0.00	50,500.42	50,500.37	0.05
Susquehanna	1,871	1,213	9,235	12,319	64	6,596	0.00	135,736.00	0.00	0.00	0.00	142,331.53	142,331.48	0.05
Tioga	1,595	1,870	7,020	10,485	92	5,978	0.00	148,755.00	0.00	0.00	0.00	154,732.63	154,732.60	0.03
Union	840	1,659	2,576	5,075	57	3,014	0.00	105,844.00	0.00	0.00	0.00	108,858.28	108,858.23	0.05
Warren	1,846	1,706	3,305	6,857	98	4,276	0.00	133,386.00	0.00	0.00	0.00	137,662.25	137,662.21	0.04
Washington	1,374	1,287	2,772	5,433	68	3,295	0.00	109,007.00	0.00	0.00	0.00	112,301.59	112,301.37	0.22
Wayne	5,875	8,370	19,336	33,581	431	20,467	0.00	616,452.00	0.00	0.00	0.00	636,919.49	636,919.46	0.03
Westmoreland	2,512	2,175	5,738	10,425	87	5,900	0.00	172,607.50	0.00	0.00	0.00	178,507.53	178,507.50	0.03
Wyoming	11,260	16,637	20,226	48,123	568	28,849	0.00	1,068,822.50	0.00	0.00	0.00	1,097,671.76	1,097,671.79	-0.03
York	736	882	7,115	8,733	58	4,798	0.00	80,816.50	0.00	0.00	0.00	85,614.62	85,614.58	0.04
<b>Grand Total:</b>	<b>306,680</b>	<b>528,902</b>	<b>813,371</b>	<b>1,648,953</b>	<b>20,709</b>	<b>1,000,619.53</b>	<b>0.00</b>	<b>14,010,941.00</b>	<b>0.00</b>	<b>3,986.95</b>	<b>7.99</b>	<b>35,007,828.71</b>	<b>35,011,378.33</b>	<b>-3,549.62</b>
Total Records:	804													

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## **EXHIBIT B**

Recording Summaries for Mortgage Electronic Registration System  
 prepared 12/19/2012  
 Philadelphia Department of Records  
 Data includes Mortgages, Assignments, Releases, Satisfaction

DOCUMENT COUNTS	MERS documents				non-MERS documents				Total non-MERS				Total Recording	Satisfactions Total			
	Mortgages	Assignments	Releases	Satisfactions	Total MERS	Mortgages	Assignments	Releases	Satisfactions	Mortgages	Assignments	Releases		Satisfactions			
2000	1288	3856	0	0	5144	49969	25792	12898	32255	120914	30.25	51257	29648	12898	32255	126058	
2001	5428	11410	2	1	16841	49811	22503	11968	35888	120170	41	55239	33913	11970	35889	137011	
2002	10466	2811	1	3	13281	56757	18607	15357	43308	134029	41	67223	21418	15358	43311	147310	
2003	16705	2567	2	11	19285	67447	14577	24258	58618	164900	41	84152	17144	24260	58629	184185	
2004	21573	1942	2	15	23532	67539	13067	26878	53412	160896	41	89112	15009	26880	53427	184428	
2005	28432	1415	4	4	29855	63823	11748	21487	57206	154264	41	92255	13163	21491	57210	184119	
2006	32927	1157	5	13	34102	59825	10520	20830	55208	146383	41	92752	11677	20835	55221	180485	
2007	26403	940	1	4	27348	52531	16258	21275	48131	138195	41	78934	17198	21276	48135	165543	
2008	15694	1147	2	10	16853	39024	12719	15315	39045	106103	41	54718	13866	15317	39055	122956	
2009	16498	1531	3	7	18039	28636	11598	10809	37079	88122	56	45134	13129	10812	37086	106161	
2010	12374	588	2	3	12967	27783	10184	5752	35550	79269	71	40157	10772	5754	35553	92236	
2011	11624	480	5	0	12109	25316	10596	3324	36353	75589	71	36940	11076	3329	36353	87698	
2012*	14412	224	3	4	14643	23798	18558	2678	40288	85322	71	38210	18782	2681	40292	99965	

through 12/19/2012

\*through 12/19/2012

DOLLAR AMOUNTS	avg fee	MERS documents				non-MERS documents				Total non-MERS	Total Recording	Satisfactions				Releases				Assignments				Mortgages				Satisfactions Total			
		Mortgages	Assignments	Releases	Satisfactions	Total MERS	Mortgages	Assignments	Releases			Satisfactions	Mortgages	Assignments	Releases	Satisfactions	Mortgages	Assignments	Releases	Satisfactions	Mortgages	Assignments	Releases	Satisfactions	Mortgages	Assignments	Releases	Satisfactions	Mortgages	Assignments	Releases
2000	\$30.25	\$38,962.00	\$116,644.00	\$0.00	\$0.00	\$155,606.00	\$1,511,562.25	\$780,208.00	\$390,164.50	\$975,713.75	\$3,657,648.50		51257	29648	12898	32255	126058														
2001	\$41.00	\$222,548.00	\$467,810.00	\$82.00	\$41.00	\$690,481.00	\$2,042,251.00	\$972,623.00	\$490,688.00	\$1,471,408.00	\$4,926,970.00		55239	33913	11970	35889	137011														
2002	\$41.00	\$429,106.00	\$115,251.00	\$41.00	\$123.00	\$544,521.00	\$2,327,037.00	\$762,887.00	\$629,637.00	\$1,775,628.00	\$5,495,189.00		67223	21418	15358	43311	147310														
2003	\$41.00	\$684,905.00	\$105,247.00	\$82.00	\$451.00	\$790,685.00	\$2,765,327.00	\$597,657.00	\$994,578.00	\$2,403,338.00	\$6,760,900.00		84152	17144	24260	58629	184185														
2004	\$41.00	\$884,493.00	\$79,622.00	\$82.00	\$615.00	\$964,812.00	\$2,769,099.00	\$535,747.00	\$1,101,998.00	\$2,189,892.00	\$6,596,736.00		89112	15009	26880	53427	184428														
2005	\$41.00	\$1,165,712.00	\$58,015.00	\$164.00	\$164.00	\$1,224,055.00	\$2,616,743.00	\$481,668.00	\$880,967.00	\$2,345,446.00	\$6,324,824.00		92255	13163	21491	57210	184119														
2006	\$41.00	\$1,350,007.00	\$47,437.00	\$205.00	\$533.00	\$1,398,182.00	\$2,452,825.00	\$431,320.00	\$854,030.00	\$2,263,528.00	\$6,001,703.00		92752	11677	20835	55221	180485														
2007	\$41.00	\$1,082,523.00	\$38,540.00	\$41.00	\$164.00	\$1,121,268.00	\$2,153,771.00	\$666,578.00	\$872,275.00	\$1,973,371.00	\$5,665,995.00		78934	17198	21276	48135	165543														
2008	\$41.00	\$643,454.00	\$47,027.00	\$82.00	\$410.00	\$690,973.00	\$1,599,984.00	\$521,479.00	\$627,915.00	\$1,600,845.00	\$4,350,223.00		54718	13866	15317	39055	122956														
2009	\$56.00	\$923,888.00	\$85,736.00	\$168.00	\$392.00	\$1,010,184.00	\$1,603,616.00	\$649,488.00	\$605,304.00	\$2,076,424.00	\$4,934,832.00		45134	13129	10812	37086	106161														
2010	\$71.00	\$878,554.00	\$41,748.00	\$142.00	\$213.00	\$920,657.00	\$1,972,593.00	\$723,064.00	\$408,392.00	\$2,524,050.00	\$5,628,099.00		40157	10772	5754	35553	92236														
2011	\$71.00	\$825,304.00	\$34,080.00	\$355.00	\$0.00	\$859,739.00	\$1,797,436.00	\$752,316.00	\$236,004.00	\$2,581,063.00	\$5,366,819.00		36940	11076	3329	36353	87698														
2012*	\$71.00	\$1,023,252.00	\$15,904.00	\$213.00	\$284.00	\$1,039,653.00	\$1,689,658.00	\$1,317,618.00	\$190,138.00	\$2,860,448.00	\$6,057,862.00		38210	18782	2681	40292	99965														

through 12/19/2012

\*through 12/19/2012